

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2365-28

C# M#

LEREBOUR et al.

TC/A.U.

1617

Serial No. 09/782,520

Examiner: KIM, Jennifer M.

Filed: February 14, 2001

Date: August 4, 2005

Title: USE OF PARTICULAR FACTORS AND SUBSTANCES WHICH MAKE IT POSSIBLE TO  
MODIFY THE PHYSICOCHEMICAL PROPERTIES OF THE SKIN AND/OR THE  
MUCOUS...

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number	
previously paid for	20	(at least 20) =	0 x \$50.00
			\$0.00 (1202)/\$0.00 (2202) \$
Independent claims after amendment	0	minus highest number	
previously paid for	3	(at least 3) =	0 x \$200.00
			\$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add

\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

Terminal disclaimer enclosed, add

\$130.00 (1814)/ \$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee

\$180.00 (1806) \$

Assignment Recording Fee

\$40.00 (8021) \$

Other:

\$

**TOTAL FEE ENCLOSED \$ 0.00**

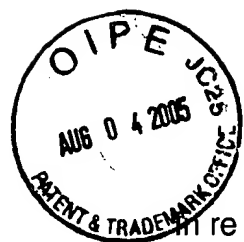
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:pp

NIXON &amp; VANDERHYE P.C.

By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Patent Application of

LEREBOUR et al.

Atty. Ref.: 2365-28; Confirmation No. 7537

Appl. No. 09/782,520

TC/A.U. 1617

Filed: February 14, 2001

Examiner: KIM, Jennifer M.

For: USE OF PARTICULAR FATTY SUBSTANCES WHICH MAKE IT POSSIBLE TO  
MODIFY THE PHYSICOCHEMICAL PROPERTIES OF THE SKIN AND/OR THE  
MUCOUS...

\* \* \* \* \*

August 4, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

Responsive to the Office Action dated July 5, 2005, the applicants elect, with  
traverse, the subject matter of the Examiner's Group I for further prosecution in the  
above.

Reconsideration and withdrawal of the restriction requirement are requested as  
the applicants have received and responded to two substantive Actions such that the  
new restriction requirement is believed to be inappropriate. The new Examiner should  
accord full faith and credit to the prior Examiner's previous treatment of the present  
application. Specifically, the Examiner is requested to see MPEP § 704.01 which states  
as follows:

"When the Examiner is assigned to act on an application which has received one or more Actions by some other Examiner, full faith and credit should be given to the search and action of the previous Examiner unless there is clear error in the previous Action or knowledge of other prior art. The second Examiner should not take an entirely new approach to the application or attempt to reorient the point of view of the previous Examiner, or make a new search in a mere hope of finding something."

The present Examiner has not indicated where clear error exist in the previous Actions of the prior Examiner or where knowledge of other prior art exist in the present application which would, at a minimum, apparently warrant an entirely new approach to the application or reorientation of the point of view of the previous Examiner. Withdrawal of the restriction requirement and examination of all the claims are requested.

The applicants elect, with traverse, the single ultimate fatty substance for initial examination as olive oil, with traverse. Reconsideration and withdrawal of the election of species requirement are requested for reasons similar to those noted above. Such an examination of all the claimed subject matter would not, with due respect, place an undue burden on the Examiner.

Withdrawal of the restriction and election of species requirement, and examination of all the claimed subject matter are requested.

Claims 13-15 and 17-27 of the elected Group are believed to read on the elected species.

LEREBOUR et al.  
Appl. No. 09/782,520  
August 4, 2005

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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